

The Honorable Ronald B. Leighton  
United States District Court Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JUDITH COX and CHARLES COX individually  
and as Personal Representatives of the Estates of  
C.J.P. and B.T.P.,

Plaintiffs,

v.

STATE OF WASHINGTON, DEPARTMENT  
OF SOCIAL AND HEALTH SERVICES,  
FOREST JACOBSON, ROCKY  
STEPHENSON, JANE WILSON, and BILLIE  
REED-LYYSKI,

Defendants.

NO. 14-05923RBL

**DECLARATION OF EVAN BARIAULT  
IN SUPPORT OF PLAINTIFFS'  
RESPONSE TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

I, Evan Bariault, hereby declare as follows:

1. I am an attorney of record for plaintiffs. I make this declaration based on personal knowledge and am competent to testify to the matters contained herein.

2. On July 3, 2014, DSHS filed a motion for summary judgment to dismiss plaintiffs' state law claims in Pierce County Superior Court Case No. 12-2-11389-6. The motion was based on precisely

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1 the same grounds as DSHS' current motion. Indeed, a review of the two motions side-by-side  
2 demonstrates DSHS copied and pasted the majority of its previous motion into the current motion.

3 3. Oral argument on DSHS' summary judgment motion was held on August 15, 2014, after the  
4 parties' submitted briefing and exhibits that totaled over 950 pages. The state court denied DSHS'  
5 motion.

6 4. On September 17, 2014, plaintiffs moved to amend their complaint to add federal civil rights  
7 claims against individual social workers. The state court granted plaintiffs' motion and the case was  
8 later removed to this Court. *See* Dkt. 1.

9 5. Attached hereto are true and correct copies of the following exhibits:

10 **Exhibit 1** – A newspaper article published by the Seattle Times on August 17, 2015.

11 **Exhibit 2** – DSHS' motion for summary judgment in Pierce County Superior Court  
12 without accompanying declarations or exhibits.

13 **Exhibit 3** – A printout of the superior court docket.

14 **Exhibit 4** – Plaintiffs' Response to DSHS' Summary Judgment motion in Pierce  
County Superior Court without accompanying declarations or exhibits.

15 **Exhibit 5** – Pierce County Superior Court Order Denying Motion for Summary  
16 Judgment.

17 **Exhibit 6** – Dependency Petition.

18 **Exhibit 7** – Excerpts from the Deposition of Dr. James Manley.

19 I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE UNITED  
20 STATES THAT THE FOREGOING IS TRUE AND CORRECT.

21 /s/ Evan Bariault

Evan D. Bariault, WSBA #42867

23 DECLARATION OF EVAN BARIAULT IN SUPPORT  
24 OF PLAINTIFFS' RESPONSE TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT - 2

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**Certificate of Service**

I certify that on the date noted below I electronically filed this document entitled with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 17th day of August, 2015, at Seattle, Washington.

/s/ Evan Bariault

DECLARATION OF EVAN BARIAULT IN SUPPORT  
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